

HOUSE No. 3133

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan D. Zlotnik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the Division of Capital Asset Management and Maintenance to convey a certain portion of the Gardner Heritage State Park to the city of Gardner.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/18/2023</i>

HOUSE No. 3133

By Representative Zlotnik of Gardner, a petition (accompanied by bill, House, No. 3133) of Jonathan D. Zlotnik that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to convey a certain portion of the Gardner Heritage State Park to the city of Gardner. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the Division of Capital Asset Management and Maintenance to convey a certain portion of the Gardner Heritage State Park to the city of Gardner.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, the city of
2 Gardner may convey to the division of capital asset management and maintenance the parcel of
3 land known as Stump pond, which is identified on the city of Gardner’s assessors’ maps as
4 parcel W27-11-2 and contains 6.0 acres, more or less. The commissioner of capital asset
5 management and maintenance, in consultation with the commissioner of conservation and
6 recreation, shall determine the exact boundaries of the parcel after completion of a survey. The
7 parcel shall be placed under the care, custody and control of the department of conservation and
8 recreation and shall be used solely for conservation and recreation purposes.

9 SECTION 2. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
10 Laws or any other general or special law to the contrary and in consideration for the conveyance
11 authorized in section 1, the division of capital asset management and maintenance, in

12 consultation with the department of conservation and recreation, may convey to the city of
13 Gardner the parcels of land and building thereon, being part of the Gardner Heritage State Park
14 under the care and control of the department of conservation and recreation, which are identified
15 on the city of Gardner's assessors' maps as parcels M27-25-6 and M27-25-10. The parcels may
16 be used by the city for general municipal purposes or may be conveyed by the city to a developer
17 for redevelopment. The commissioner of capital asset management and maintenance, in
18 consultation with the commissioner of conservation and recreation, shall determine the exact
19 boundaries of the parcels.

20 SECTION 3. Independent appraisals of the fair market value and value in use of the
21 parcels described in sections 1 and 2 shall be prepared in accordance with the usual and
22 customary professional appraisal practices by a qualified appraiser commissioned by the
23 commissioner of capital asset management and maintenance. The commissioner of capital asset
24 management and maintenance shall establish the value of the properties for both the highest and
25 best use as currently encumbered and for the purposes described. The commissioner of capital
26 asset management and maintenance shall submit any appraisals to the inspector general for
27 review and comment. The inspector general shall review and approve the appraisals and the
28 review shall include an examination of the methodology utilized for the appraisals. The inspector
29 general shall prepare a report of the review and file the report with the commissioner of capital
30 asset management and maintenance. The commissioner shall submit copies of the appraisals and
31 the inspector general's report, the approval and comments, if any, to the house and senate
32 committees on ways and means and the joint committee on state administration and regulatory
33 oversight at least 15 days prior to the execution of any documents effecting the transfers
34 described in this section.

35 SECTION 4. The city of Gardner shall assume all costs and expenses including, but not
36 limited to, the costs of any engineering, surveys, appraisals, recording fees and deed preparation
37 related to the transaction pursuant to this act as such costs may be determined by the
38 commissioner of capital asset management and maintenance.

39 SECTION 5. The commissioner of capital asset management and maintenance may grant
40 a credit to the city of Gardner for estimated environmental remediation costs for the parcels
41 identified in section 2; provided, however, that if the total value of said credit and the appraised
42 value of the parcel identified in section 1 exceed the appraised value of the parcels identified in
43 section 2, the commonwealth shall have no obligation to pay the difference to the city of
44 Gardner. If the appraised value of the parcels identified in section 2 exceed the appraised value
45 of the parcel identified in section 1, the commissioner of capital asset management and
46 maintenance, on behalf of the department of conservation and recreation, shall, as consideration
47 for the excess value of the parcels described in said section 2, also acquire from the city of
48 Gardner payment in an amount equal to the difference in the appraised values through the
49 transfer to the department of conservation and recreation of land or an interest in land or funding
50 for the acquisition of land or an interest therein equal to or greater than the resource value
51 difference in the appraised values. The fair market value of any land or interest in land proposed
52 to be conveyed to the department shall be included within the appraisal prepared pursuant to
53 section 3. The land, interest in land or funding shall be acceptable to the department of
54 conservation and recreation and any land or interest in land, whether conveyed to or acquired by
55 the department, shall be permanently held and managed for conservation and recreation purposes
56 by the department. If the appraised value of the parcel identified in said section 1 exceeds the
57 appraised value of the parcels identified in said section 2, the commonwealth shall have no

58 obligation to pay the difference to the city of Gardner. All payments made to the commonwealth
59 as a result of the conveyances authorized in this act shall be deposited in the Conservation Trust
60 established in section 1 of chapter 132A of the General Laws.